

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
Akron Division**

In re:)	Bankr. Case No.: 16-50241
)	
BRIAN CAPIEN)	Chapter 13
a/k/a BRIAN M. CAPIEN,)	
)	Judge Alan M. Koschik
Debtor.)	

**TOYOTA MOTOR CREDIT CORPORATION'S
OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Toyota Motor Credit Corporation (hereinafter "Toyota"), by and through its undersigned counsel, objects to the confirmation of the Debtor's Chapter 13 Plan, and as grounds therefore alleges as follows:

1. That the Debtor, Brian Capien, resides at 308 Bender Avenue, Akron, OH 44312.
2. That on February 8, 2016 (hereinafter "Petition Date"), the Debtor filed for relief under Chapter 13 of the bankruptcy Code and relief was ordered thereon.
3. That this Court has jurisdiction over this Objection pursuant to 28 U.S.C. § 1334(b) and 11 U.S.C. § 1325.
4. That venue is proper in this Court pursuant to 28 U.S.C. § 1408 and/or § 1409.
5. That this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(L).

6. That Toyota is the holder of a security interest in the Debtor's property, specifically, one (1) 2007 Infiniti G35, VIN: JNKBV61F67M804420 (hereinafter "Vehicle").
7. That Toyota timely filed a secured claim in the amount of \$9,427.03 (Claim 9-1).
8. That the payoff on Toyota's collateral as of the Petition Date was \$9,427.03.
9. That the current value of the Vehicle is \$11,725.00, as per the April 2016 NADA Official Car Guide.
10. That the Debtor's Chapter 13 Plan does not provide for payment of the Vehicle.
11. That the Debtor's Chapter 13 Plan does not provide for alternate treatment or otherwise reference the Vehicle.
12. That the Debtor's *Schedule D: Creditors Who Have Claims Secured by Property* does not reference the vehicle.
13. That the Debtor's *Schedule A/B: Property* does not reference the vehicle.
14. That the Debtor's *Schedule E/F: Creditors Who Have Unsecured Claims* lists a debt owed to Toyota for an account with the last four digits of 4811 in the amount of \$9,352.00, which was incurred in 2007. Upon information and belief, this is a reference to the debt included in Claim 9-1.
15. That a secured creditor is entitled to receive payments totaling the present value of the collateral pursuant to 11 U.S.C. § 1325(a)(5)(B)(ii).
16. That the Debtor's Plan, as proposed, does not provide for full payment for payment of the current fair market value of the vehicle.

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WHEREFORE, Toyota Motor Credit Corporation prays this Honorable Court for the entry of an Order denying confirmation of the Debtor's Chapter 13 Plan and for such other and further relief as this Court shall deem just.

Respectfully submitted,

By: /s/ Phyllis A. Ulrich,
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Attorneys for Toyota Motor Credit Corporation

CERTIFICATE OF SERVICE

I certify that on April 26, 2016, a true and correct copy of Toyota Motor Credit Corporation's Objection to Confirmation was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Warner Mendenhall at warnermendenhall@gmail.com
Keith Rucinski, Chapter 13 Trustee at efilings@ch13akron.com
Office of the United States Trustee, at (registered address)@usdoj.gov
Daniel C. Wolters, Attorney for Woods Cove III, LLC, at dcwolters@manleydeas.com

And by regular U.S. Mail, postage paid, on:

Brian Capien, 308 Bender Ave., Akron, OH 44312

By: /s/ Phyllis A. Ulrich,
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